

# **Exhibit 30**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL, et al.,

Plaintiffs,

v.

22 Civ. 384 (JSR)

MASON ROTHSCHILD,

Defendant.

New York, N.Y.  
January 30, 2023  
9:30 a.m.

Before:

HON. JED S. RAKOFF,

District Judge  
-and a Jury-

APPEARANCES

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Opening - Mr. Warshavsky

1 Loo, that a number of people contacted him because they thought  
2 that Mr. Rothschild's project was affiliated with Hermès.

3 You will also see how the MetaBirkins have fared. You  
4 will see that most of the highest prices came before the shroud  
5 was lifted. You will see that the prices went down until one  
6 of the influencers pumped -- or shilled, or whatever we are  
7 going to call this -- the MetaBirkins, at which time the prices  
8 climbed up.

9 Then you will see that after the Financial Times did  
10 an article saying that Hermès was not involved with the  
11 MetaBirkins, the prices started to diminish.

12 You will further see that the prices continued to  
13 diminish after Mr. Rothschild discussed Hermès's cease and  
14 desist letter and then as he discussed this lawsuit. And in  
15 the end Hermès will argue that Mr. Rothschild violated Hermès  
16 trademark rights, or Mr. Rothschild's own profit.

17 Hermès will ask you to find that by selling and  
18 promoting the MetaBirkins NFTs, Mr. Rothschild engaged in  
19 trademark infringement, dilution, and unfair competition and  
20 ask that you return a verdict in Hermès' favor.

21 Thank you for giving me your attention.

22 THE COURT: All right. Thank you very much.

23 Now we will hear from defense counsel.

24 MR. MILLSAPS: Your Honor, if I may, would it be okay  
25 for me to speak from this point, so I can see the screen along

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1 see when an NFT was created and who owns it now and what its  
2 ownership history has been.

3 The easiest way to think of an NFT is like a deed or a  
4 certificate of title, but it's digital. It's called a token  
5 because it represents something else, just like a deed to a  
6 house represents the house or a certificate of title represents  
7 the car that's owned.

8 You will see that an NFT, like a deed, doesn't have  
9 any inherent nature or value by itself. An NFT derives its  
10 value from whatever it is attached to. Just like the deed to a  
11 house would be meaningless if the house didn't exist.

12 You are going to hear that over the last few years  
13 NFTs have become an exciting new way for artists to sell their  
14 work and build audiences and engage with their communities.

15 A little over a year ago, Mr. Rothschild came up with  
16 the idea to make a series of digital pieces of art depicting  
17 imaginary fur covered Birkin bags and to sell them with NFTs.  
18 He decided to call these artworks MetaBirkins.

19 Now, before I go any further, I just want you to  
20 understand why we are all here today. Hermès, this  
21 multibillion dollar fancy French purse maker, has sued  
22 Mr. Rothschild because Hermès says that these MetaBirkins NFT  
23 artworks hurt its coveted Birkin brand.

24 The evidence is going to show you otherwise. This  
25 really is a case about a multibillion dollar corporation trying

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1 to punish Mr. Rothschild because they don't like his art, and  
2 they are scared of what it might show about luxury consumer  
3 culture.

4 Now, there are three key facts in this case.

5 Fact one: The MetaBirkins on your screen are art, and  
6 Mr. Rothschild had an artistic intention in using the name  
7 MetaBirkins for this series of NFT artworks. You can see the  
8 name MetaBirkins describes what you see on your screen. They  
9 are artworks depicting imagery Birkin bags.

10 Mr. Rothschild also wanted to make money with his art.  
11 Hermès will want you to focus only on the money part and ignore  
12 the art part. But you will see from the evidence that both of  
13 those things were true at the same time. They are two sides of  
14 the same coin. Mr. Rothschild wanted to make art and he wanted  
15 to make money and a name for himself with his art. What you  
16 see on your screen is art.

17 Fact two: Mr. Rothschild wanted the credit for  
18 MetaBirkins. He set up a MetaBirkins website and social media  
19 accounts that identified him as the creator of MetaBirkins. He  
20 identified himself as the creator of MetaBirkins in media  
21 interviews.

22 He reached out to some reporters to correct them when  
23 they mistakenly wrote articles saying that Hermès put out  
24 MetaBirkins. And maybe more important than the evidence that  
25 you will see is what you won't hear. You won't see any

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1 evidence that Mr. Rothschild ever told anyone that MetaBirkins  
2 came from Hermès, because he wanted the credit for his own  
3 artwork.

4 Fact three: Consumers who pay tens of thousands of  
5 dollars for luxury handbags like Birkin bags or NFT art were  
6 not confused about where MetaBirkins came from. Hermès own  
7 evidence is going to show this to you.

8 Hermès is going to try to make a big deal out of the  
9 fact that Mr. Rothschild hoped to make money with MetaBirkins.  
10 They are going make a big deal out of the fact that he put a  
11 lot of effort into trying to pump up the price and the  
12 excitement for his MetaBirkins art. They are going to make a  
13 big deal about the fact that he told his associate that he  
14 hoped he could get Hermès to collaborate with him.

15 Mr. Rothschild doesn't dispute any of that. It is all  
16 true. It is perfectly legal for people to make money with  
17 their art. In fact, the First Amendment of our Constitution  
18 protects that right for every American. And you will hear from  
19 Hermès' own witness that it is not unusual for artists to  
20 approach Hermès to pitch a collaboration with them, because  
21 they want to work with Hermès.

22 We are here today because trademark rights are limited  
23 by the First Amendment, which protects artistic creations like  
24 Mr. Rothschild's MetaBirkins. The First Amendment's guarantee  
25 of freedom of speech and expression protects the right for any

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1 of us to depict and comment on the things that we see in the  
2 world around us, including the trademarked products and brands  
3 that bombard us everywhere we look, especially products that  
4 have become significantly and widely discussed symbols in our  
5 culture, like the Birkin bag.

6 Also -- and I will talk more about this later --  
7 nobody was confused about what they were buying when they  
8 bought the MetaBirkins NFTs and artworks. I would like to talk  
9 to you for a minute about Mr. Rothschild.

10 Who is Mason Rothschild? During this trial you are  
11 going to learn a good bit about Mr. Rothschild. I think that  
12 you will learn that there is a lot to like about him. But you  
13 will see some of Mr. Rothschild's flaws as well else a human  
14 being as you can see sitting here. You will learn that  
15 Mr. Rothschild is a clever, passionate, sometimes even funny  
16 guy who has lots of ideas, lots of ambition, and he works hard  
17 to bring his ideas into reality.

18 Like many people, he isn't just one thing. He is an  
19 artist, he is an entrepreneur, he's a businessman, he is a  
20 clever marketing guy. He's also a fiance and a devoted dog  
21 dad.

22 You will see that he cares a lot about using his art  
23 to draw attention to social issues that he cares about. You  
24 will also learn that he sometimes exaggerates and embellishes  
25 the truth, especially which he's promoting himself and his

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1 projects.

2 But you will see from the evidence that Mr. Rothschild  
3 is straight when it comes to the important things. Like paying  
4 back around a \$100,000 investment when the deal fell through.

5 You are going to learn some more things about  
6 Mr. Rothschild that will help you understand what shaped him  
7 and his artistic outlook. Despite his name, Mr. Rothschild was  
8 not handed anything. His birth name is Sonny Alexander  
9 Estebal, but he adopted the name Mason Rothschild when he was a  
10 teenager for reasons that you will hear him explain.

11 He is a first-generation American, born in Pasadena  
12 and raised in San Mateo, California. His mom came to the U.S.  
13 from the Philippines; his dad came from Colombia.

14 He graduated from high school at the age of 16, and he  
15 took classes at a local community college for a year and some  
16 online classes at the University of San Francisco in business  
17 and marketing. But Mr. Rothschild never finished college.  
18 He's mostly self-taught in both business and art.

19 On the business side, Mr. Rothschild started out  
20 working in retail, first for a couple of small streetwear  
21 brands and then for bigger companies in the luxury fashion  
22 space, like Yves Saint Laurent and Dior. He wanted to get into  
23 other things while he was working in retail, so he started  
24 doing some consulting work around digital marketing and social  
25 media for various companies.



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1           In 2021, Mr. Rothschild and his fiancée, Erica Del  
2       Rosario, opened a concept store, an artistic community called  
3       Terminal 27 in Los Angeles.

4           Six months after it opened, Vogue Magazine named  
5       Terminal 27 one of the best fashion boutiques in America.  
6       That's the business side of Mr. Rothschild, which you can see  
7       involves a lot of creativity.

8           Mr. Rothschild is an artist too. Hermès wants you to  
9       believe that Mr. Rothschild can be only one thing; he's either  
10      a business guy or he's an artist. But the evidence will show  
11      you that he's both.

12          And you will hear that's not unusual. Andy Warhol  
13      worked in advertising before he became a famous artist. Plenty  
14      of artists have day jobs. Now, Mr. Rothschild is not an artist  
15      who paints landscapes or portraits, like Bob Ross or Leonardo  
16      da Vinci.

17          You will see from the evidence that Mr. Rothschild is  
18      a conceptual artist. There have been many famous conceptual  
19      artists who came before Mr. Rothschild like Andy Warhol and  
20      Damian Hurst. The evidence will show that Mr. Rothschild, a  
21      conceptual artist, is the idea guy. He is not usually the guy  
22      who executes the ideas.

23          Like other conceptual artists -- you will see from the  
24      evidence that he did this with several -- I'm sorry. Like  
25      other conceptual artists, Mr. Rothschild often works with other

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1 people who have the technical skills to bring his ideas into  
2 the world. You will see from the evidence that he did this  
3 with several of his NFT projects, including MetaBirkins.  
4 Mr. Rothschild did not actually generate the MetaBirkins images  
5 by himself. He hired an assistant to work at his direction to  
6 help him create the images that he envisioned in his  
7 imagination.

8 But I want to back up for a minute, because MetaBirkin  
9 was not Mr. Rothschild's first art project. You will learn  
10 that Mr. Rothschild's first art project that got some attention  
11 was in 2015, when he was just 21 years old. His first art  
12 project was screen printing a collection of fake art school  
13 T-shirts that were lampooning the fact that these fancy art and  
14 design schools like Parsons School of Design here in the city  
15 sold really ugly school merch that none of its students wanted  
16 to wear. So he called the collection Art School Dropout.

17 The press and the art schools got what Mr. Rothschild  
18 was doing at the time. This example highlights two important  
19 things that you will hear from witnesses in this trial and that  
20 I ask you to keep in the back of your mind over the next few  
21 days.

22 The first is that art doesn't exist in a vacuum. It's  
23 often about context. Sometimes you can't see that something is  
24 art unless you know how it fits into the larger context of art  
25 history or what's going on in the art world. The second is